

Applicants : Cedric Begon et al.
Serial No. : 10/594,937
Filed : September 28, 2006
Page : 5 of 9

Attorney Docket No.: 45201-012US1
Client Ref. No.: QT FR05/00749 US

REMARKS

Upon entry of the present amendment, claims 1, 3, 5-10, 14-15 and 17-19 are pending in the application, of which claims 18-19 are withdrawn from consideration due to a restriction requirement. Claims 2, 4, 11-13, 16 and 20-21 are canceled herein without prejudice and without abandonment of the subject matter thereof. Claims 1, 3, 5-10, 14-15 and 17-19 are amended herein. No new matter is added.

IN THE CLAIMS

Claim Objections

The Examiner objected to claims 5, 7 and 13 due to informalities. Claim 5 is amended herein to delete the duplicated phrase identified by the Examiner. Claims 1 is amended herein, providing antecedent basis for each of the first, second and third zones referred to in claims 5 and 7, and claim 13 is cancelled, whereby the objections to these claims is obviated.

Double Patenting

Claims 1, 5-6 and 17 were provisionally rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8, 10-13 and 18-19 of co-pending application No. 10/594,604 (Giraudet, US 2007/0146574).

The applicant respectfully disagrees with this rejection since claims 1, 5-6 and 17 of the application are patentably distinct from claims 1, 8 , 10-13 and 18-19 of Giraudet '574. Claim 1, as amended herein, is directed to a spectacle lens having several zones including a first zone having a vertically polarizing filter, a second zone having a horizontally polarizing filter, and a third zone that is not polarizing. The invention claimed in the present application (US 10/594,937) implements polarizers oriented vertically and horizontally, and also includes a non-polarizing zone in combination with the polarized zone. The claimed polarizer orientation is employed to accommodate glare

Applicants : Cedric Begon et al.
Serial No. : 10/594,937
Filed : September 28, 2006
Page : 6 of 9

Attorney Docket No.: 45201-012US1
Client Ref. No.: QT FR05/00749 US

or dazzling from horizontal (ie, water, roads) and vertical surfaces (ie, windows, cars). In contrast, claim 1 of Giraudet '574 refers to only a polarizer oriented obliquely relative to a horizontal direction, where the oblique angle is between 0 and 90 degrees. The oblique orientation of the polarizer employed by Giraudet accommodates glare or dazzling, while permitting viewing of liquid crystal displays, which emit polarized light at one of 0 deg, 90 deg or 45 degs [para. 4-6]. Therefore each invention of these applications cannot be derived from the other one.

Claims 1, 3, and 14 were provisionally rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13, 15 and 17-18 of co-pending application No. 12/067,854 (Biver, US 2008/0252846).

The applicant respectfully disagrees with this rejection since claims 1, 3 and 14 of the application are patentably distinct from claims 13, 15 and 17-18 of Biver '846. The Biver '846 application deals with adapting the an eyeglass with polarizing zones in accordance with use conditions and behaviour characteristics of the wearer. Nothing in the present application (US 10/594,937) suggests the improvement introduced in Biver '846, and the scope of the claims of the present application is much larger than that of Biver '846. Therefore, the Applicant submits that the inventions of both applications are patentably distinct.

35 U.S.C. § 102 Rejections

Claims 1, 3, 7 and 17 were rejected under 35 USC 102(b) as anticipated by Heimberger (US 3,211,047).

The applicant respectfully disagrees that claim 1 as amended herein is anticipated by Heimberger since each and every claimed feature is not suggested or disclosed by Heimberger. In particular, Heimberger fails to disclose a vision element divided into several zones including "a third zone that is not polarizing", as recited in the claim. Instead, Heimberger discloses goggles having lenses, the lenses being entirely covered by a polarization film c, c' (col. 4, lines 15-16 and 21-22).

Applicants : Cedric Begon et al.
Serial No. : 10/594,937
Filed : September 28, 2006
Page : 7 of 9

Attorney Docket No.: 45201-012US1
Client Ref. No.: QT FR05/00749 US

Applicant notes that the amendments to claim 1 added features to claim 1 which generally correspond to those recited in original claims 4 and 11, now canceled. In the Office Action, these claims were rejected under 35 USC 103(a) as being unpatentable over Heimberger in view of Serrell (US 2,334,446). In the rejection, the Examiner asserted that Heimberger discloses the claimed features except one of the zones having no polarization filter. The Examiner further asserted that Serrell teaches providing a lens having three different zones wherein one of the zones is unpolarized, and that it would have been obvious to combine the teachings of Serrell with the vision element of Heimberger for the purpose of reducing road glare on a driver's eyes without moving their head.

The applicant respectfully disagrees that modification of the goggles of Heimberger by the teachings of Serrell makes obvious the applicant's claimed invention since the teachings of Serrell fail to correct the defects of Heimberger with respect to claim 1 as discussed above.

Moreover, the applicant notes that claim 1 as amended herein implies that boundaries between distinct polarizing zones are oriented differently in that some are horizontal and some are vertical. Neither Heimberger nor Serrell disclose a single lens having both horizontal and vertical zone boundaries, and such a layout of polarizing zones cannot be deduced from the cited prior art or their combination.

The applicant respectfully disagrees with the rejections of claims 3, 7 and 17 for the reasons stated above with respect to claim 1, from which these claims depend.

As further regards claim 7, amended herein, the applicant respectfully disagrees that Heimberger discloses an element that comprises two first zones, each associated with a polarization filter oriented vertically relative to the position of use of the element and each located adjacent to a lateral edge of the element, as recited in the claim. Instead, Heimberger discloses two first zones (A, D) in which zone A is clearly not adjacent to a lateral edge of the element, but is instead spaced apart from the lateral edge (Fig. 1, 3;

col. 4, lines 28-52). Note that zone A is bordered on its respective lateral sides by zones B and C.

In addition, Heimberger fails to disclose the second and third zones as being located between said two first zones, said third zone being located below said second zone in the use position of the element, as recited in amended claim 7. Instead, Heimberger discloses only one zone B (e.g., a second zone) disposed between the two first zones A, D, and fails to disclose a third zone located below the second zone B.

35 U.S.C. § 103 Rejections

Claims 5-6 were rejected under 35 USC 103(a) as being unpatentable over Heimberger in view of Fiala (US 5,142,411). Claims 8-10 and 14-15 were rejected as unpatentable over Heimberger as applied to claim 1.

The applicant respectfully disagrees with the rejections of claims 5-6, 8-10 and 14-15 for the reasons stated above with respect to claim 1, from which these claims depend.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants : Cedric Begon et al.
Serial No. : 10/594,937
Filed : September 28, 2006
Page : 9 of 9

Attorney Docket No.: 45201-012US1
Client Ref. No.: QT FR05/00749 US

No fees are believed to be due at this time. Please apply any other charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 45201-012US1.

Respectfully submitted,

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Kelly McGlashen
Kelly M. McGlashen
Reg. No. 60,927

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2522
Facsimile: (617) 500-2499
70773.doc